

No. ____

**IN THE SUPREME COURT OF THE
UNITED STATES**

STEVEN R. DONZIGER, PETITIONER

v.

ATTORNEY GRIEVANCE COMMITTEE FOR
THE SUPREME COURT OF THE STATE OF
NEW YORK APPELLATE DIVISION:
FIRST JUDICIAL DEPARTMENT,
RESPONDENT

*ON PETITION FOR WRIT OF
CERTIORARI FROM THE SUPREME
COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION: FIRST JUDICIAL
DEPARTMENT*

**MOTION TO DIRECT THE CLERK TO FILE
PETITION FOR WRIT OF CERTIORARI
OUT OF TIME**

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**MOTION TO DIRECT THE CLERK TO FILE
PETITION FOR WRIT OF CERTIORARI OUT OF TIME**

Petitioner Steven R. Donziger, the Defendant in the above-referenced matter, by and through the undersigned counsel, submits this Motion to Direct the Clerk to File Petition for Writ of Certiorari Out of Time. The purpose of this motion is to ask the Court to accept Mr. Donziger's petition for writ of certiorari submitted to this Court and served on opposing counsel on Friday, February 4, 2022.

On March 19, 2020, the Court issued an Order extending the deadline for filing petitions for writ of certiorari from 90 days to 150 days since the relevant lower court judgment, order denying discretionary review, or order denying a timely petition for rehearing. Mr. Donziger was disbarred by the Supreme Court of the State of New York Appellate Division: First Judicial Department on August 13, 2020. The New York Court of Appeals denied Mr. Donziger's motion for leave to appeal on May 6, 2021. On July 19, 2021, the Court rescinded its March 19, 2020 Order, returning to the 90-day deadline for petitions of certiorari. On September 9, 2021, the New York Court of Appeals denied Mr. Donziger's motion for reargument for leave to appeal. Mr. Donziger's petition for writ of certiorari was submitted to the Court and served on opposing counsel on Friday, February 4, 2022—more than 90 days and less than 150 days since the New York Court of Appeals' September 9, 2021 denial of motion for reargument for leave to appeal. Mr. Donziger's petition was therefore submitted late under the Court's Rules.

Mr. Donziger is currently my only client, and I represent him on a pro bono basis. At the time my representation of Mr. Donziger began, this Court's March 19, 2020

Order extending the deadline to file any petition for a writ of certiorari to 150 days from the date of the lower court judgment, order denying discretionary review, or order denying a timely petition for rehearing was still in effect. When I began representing Mr. Donziger, I believed I would have 150 days from the date of the denial of reargument by the New York Court of Appeals to file a petition for writ of certiorari with this Court. I sincerely believed the deadline remained at 150 days when I caused Mr. Donziger's petition to be submitted to this Court and served on opposing counsel on February 4, 2022.

The lateness of the filing is plainly my fault. Though I checked the rules when I began representing Mr. Donziger in his disbarment, I did not become aware of the Court's return from the extraordinary measures it took in response to the pandemic until after the petition was submitted and served.

I humbly request that you do not penalize Mr. Donziger for my mistake. Please direct the Clerk to file his petition for writ of certiorari.

Dated: February 7, 2022

Respectfully submitted,



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